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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,315	06/20/2000	ROBERT BANKS	CE08314R	7399

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EXAMINER

JACKSON, JENISE E

ART UNIT PAPER NUMBER

2131

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/597,315	Applicant(s) BANKS ET AL.	
	Examiner Jenise E. Jackson	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 14-38, remain rejected under 35 U.S.C. 102(e) as being anticipated by Frailong et al(6,012,100).

3. As per claim 1, Frailong discloses an apparatus for interfacing a communication network to a feature server external to the network (see col. 4, lines 52-60, col. 5, lines 2-12), a service delivery element, wherein the service delivery element is within the communication network (see col. 2, lines 28-45, col. 4, lines 52-60, col. 5, lines 2-12), the service delivery element including at least one internal interface to couple the service delivery element to other devices within the communication network(see col. 3, lines 54-67, col. 4, lines 60-67, col. 5, lines 1-5), an external interface to couple the service delivery element to at least one feature server external to the communication network(see col. 5, lines 17-43), an embedded security layer to authenticate the at least one feature server on the communication network(see col. 13, lines 62-67, col. 14, lines 1-30), a processor stored within a memory associated with the processor(see col. 4, lines 1-18); and wherein the service delivery element is operable to recognize the feature server (see col. 4, lines 43-60, col. 8, lines 26-30, 36-63), to negotiate a security level between the feature server

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and the communication network, and to manage access by the feature server to the communication network(see col. 4, lines 52-60, col. 5, lines 2-21, col. 18, lines 26-54).

4. As per claim 2, Frailong discloses wherein the security level defines a level of access of the feature server to the communication network(see col. 18, lines 26-55).

5. As per claim 3, Frailong discloses wherein, based upon the security level, the service delivery element restricts access by the feature server to at least one class of data retained within the communication network(see col. 5, lines 43-58).

6. As per claim 4, Frailong discloses wherein, based upon the security level, the service delivery element restricts access by the feature server to at least one internal function of the communication network(see col. 5, lines 43-58).

7. As per claim 5, Frailong discloses wherein based on the security level, the interface device terminates access by the external element(see col. 18, lines 26-65).

8. As per claim 6, Frailong discloses wherein the interface device provides scalable levels of access to the communication network by the external element(see col. 17, lines 39-67).

9. As per claim 7, Frailong discloses wherein the interface device includes restriction criteria associated with varying degrees of authorization to the communication network by the external element(see col. 8, lines 36-63).

10. As per claim 8, Frailong discloses wherein the restriction criteria includes one of user based privileges and network operation variables (see col. 5, lines 43-58).

11. As per claim 9, Frailong discloses wherein the interface device is operable to provide access control(see col. 18, lines 26-29).

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12. As per claim 10, Frailong discloses wherein the interface device includes a tunnel communication mode(see col. 15, lines 44-53).

13. As per claim 11, Frailong discloses wherein the tunnel communication mode includes of an IP security protocol tunnel mode(see col. 15, lines 44-53).

14. As per claim 12, Frailong discloses wherein the interface device is configured to recognize a particular external element(see col. 2, lines 28-45).

15. As per claim 13, Frailong discloses wherein the interface device includes an embedded security layer(see col. 15, lines 41-43).

16. As per claim 14, Frailong discloses wherein the interface device establishes a security layer between the communication network and the external element(see col. 15, lines 25-53).

17. As per claim 15, Frailong discloses wherein the interface device is operable to establish one of a static association and a dynamic association between the external element and the communication network(see col. 16, lines 15-23, 49-67).

18. As per claim 16, Frailong discloses wherein the interface device is operable to provide an action responsive to the security level(see col. 18, lines 26-65).

19. As per claim 17, Frailong discloses wherein the interface device is operable to provide an action responsive to the security level(see col. 18, lines 26-55).

20. As per claim 18, Frailong discloses wherein the action includes one of creating a usage accounting record and providing a message(see col. 17, lines 49-67, col. 18, lines 1-25).

21. As per claim 19, Frailong discloses wherein the interface device is operable to expand access to the communication network by the external element(see col. 8, lines 36-64).

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22. As per claim 20, Frailong discloses wherein the interface device expands access to the communication network by the external element subsequent to a renegotiation of the security level(see col. 5, lines 43-58).

23. As per claim 21, wherein the interface device includes a translation function(see col. 15, lines 25-30).

24. As per claim 22, is rejected under the same basis as claim 1.

25. As per claim 23, it is rejected under the same basis as claim 2.

26. As per claim 24, Frailong discloses based upon the security level, restricting access by the external element to at least one class of data retained within the communication network(see col. 18, lines 26-55).

27. As per claim 25, Frailong discloses based upon the security level, restricting access by the external element to at least one internal function of the communication network(see col. 8, lines 36-63).

28. As per claim 26, Frailong discloses based upon the security level, terminating access to the communication network by the external element(see col. 5, lines 43-58).

29. As per claim 27, Frailong discloses scaling levels of access to the communication network by the external element(see col. 15, lines 43-53).

30. As per claim 28, Frailong discloses wherein the interface device includes restriction criteria, and wherein the method includes varying degrees of authorization to the communication network by the external element in view of the restriction criteria (see col. 5, lines 43-58).

31. As per claim 29, Frailong discloses wherein the restriction criteria includes on of user based privileges and network operation variables(see col. 15, lines 44-53).

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32. As per claim 30, Frailong discloses tunneling data between the feature server and the communication network thorough the service delivery element(see col. 15, lines 44-53).

33. As per claim 31, Frailong discloses wherein the step of recognizing an feature server includes recognizing a particular feature server(see col. 2, lines 28-45).

34. As per claim 32, Frailong discloses establishing a security layer between the communication network and the feature server(see col. 15, lines 25-53).

35. As per claim 33, Frailong discloses establishing one of a static association and a dynamic association between the feature server and the communication network(see col. 16, lines 15-23, 49-67).

36. As per claim 34, Frailong discloses in response to a failure to negotiate a security level, providing an action responsive to the failure to negotiate a security level(see col. 18, lines 26-65).

37. As per claim 35, Frailong discloses wherein the action includes one of creating a usage accounting record, providing a recorded message and linking to a source of additional information(see col. 17, lines 49-67, col. 18, lines 1-25).

38. As per claim 36, Frailong discloses expanding to the communication network by the feature server(see col. 2, lines 28-45).

39. As per claim 37, Frailong discloses wherein the step of expanding access to the communication network by the feature server includes renegotiating the security level(see col. 13, lines 62-67, col. 14, lines 1-30).

40. As per claim 38, Frailong discloses the step of translating data communicated between the feature server and the communication network(see col. 15, lines 25-30).

Response to Amendment

41. The Applicant states that Frailong does not disclose the service delivery element. The Examiner disagrees with the Applicant. Frailong discloses a client network(120) includes a LAN and also contains a gateway computer(i.e. service delivery element) which connects to the LAN(see col. 3, lines 55-61, col. 5, lines 1-5)). The Applicant states that the gateway interface of Frailong is in the client network and is not internal to the Internet. The Applicant has not claimed where the service delivery element is internal to the Internet. Therefore, this remark is moot.

42. The Applicant's argument regarding Frailong not disclosing the service delivery element in the public communication network that is accessed via public access networks to a device subscribed to the communication network. The Examiner fails to see this disclosed in the claims. If the Applicant believes that this is claimed, please specifically point out which limitations correspond to this argument.

43. The Applicant states that the service delivery element is external to the network, this is in direct contrast, to the claims that call for the service delivery element is within the communication network.

44. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a service delivery element, which is external to the network, to obtain a transport service for access of the Internet. It is a system that allows for automatic activation, authorization of transport privileges and upgrade of the data associated with the transport services) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


November 10, 2005


Primary Examiner
AU 2131
11/14/05